

Notice of Allowability

Application No.

09/977,757

Examiner

Ljiljana (Lil) V. Ciric

Applicant(s)

MUELLER ET AL.

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the reply filed 26 January 2005 and to the telephonic interview of 21 Feb 2005.
2. ☒ The allowed claim(s) is/are 1-18 and 38.
3. ☒ The drawings filed on 15 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

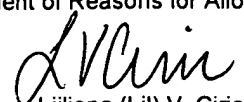
* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 02212005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Ljiljana (Lil) V. Ciric
Primary Examiner
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EXAMINER'S AMENDMENT

1. Receipt and entry of the after-final amendment filed on January 26, 2005 is hereby acknowledged.
2. Claims 1 through 18 and 38 remain in the application, all as amended either directly or indirectly via the above-mentioned amendment.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Michael F. Kelly, Registration No. 50,859, on February 21, 2005.

In the abstract (as it appears in the amendment filed on January 26, 2005):

In lines 2-7 of the abstract: Delete all of the text in the abstract following "the steps of", and replace with --A) determining the temperature of the cooking chamber in the refrigerated oven, B) producing cooled air in the refrigeration unit of the refrigerator oven for a first period of time if the temperature of the cooking chamber is below a predetermined threshold temperature and delaying production of cooled air in the refrigeration unit if the temperature of the cooking chamber is not below the predetermined threshold temperature, C) circulating the cooled air through a refrigerated air path to the cooking chamber to prevent spoilage of the food item, and, D) heating the cooking chamber to cook the food item in the cooking chamber by cycling the heating element for a second time period.--.

In the claims (as these appear in the claims listing filed on January 26, 2005):

Claim 1, line 10: Delete "producing cooled air in the refrigeration unit for a first period of time" and replace with --determining the temperature of the cooking chamber--.

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Claim 1, lines 11-12: Delete “circulating the cooled air through the refrigerated air path to the cooking chamber to prevent spoilage of the food item” and replace with –producing cooled air in the refrigeration unit for a first period of time if the temperature of the cooking chamber is below a predetermined threshold temperature, and delaying production of cooled air in the refrigeration unit until the temperature is below the predetermined threshold temperature if the temperature of the cooking chamber is not below the predetermined threshold temperature--.

Claim 1, lines 13-14: Delete “heating the cooking chamber to cook the food item in the cooking chamber by cycling the heating element for a second time period” and replace with –circulating the cooled air through the refrigerated air path to the cooking chamber to prevent spoilage of the food item--.

Claim 1, lines 15-16: Delete “delaying the initiation of step A until the temperature of the cooking chamber cavity is below a predetermined threshold temperature” and replace with –heating the cooking chamber to cook the food item in the cooking chamber by cycling the heating element for a second time period--.

Claim 3, line 2: Delete “the initiation of Step A” and replace with –production of cooled air in the refrigeration unit--.

Claim 4, line 1: Delete “step B” and replace with –step C--.

Claim 5, line 1: Delete “step C” and replace with –step D--.

Claim 8, line 2: Delete “a first cooking cycle parameter”

Claim 8, line 3: Delete “comprising”. Also, delete “corresponding to” and replace with –or--. Finally, delete “C” and replace with –D--.

Claim 8, line 4: Delete “second cooking cycle parameter”. Also, delete “comprising a”. Finally, delete “corresponding to” and replace with –or--.

Claim 10, line 2: Delete “step C” and replace with –step D--.

Claim 11, line 2: Delete “step C” and replace with –step D--.

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Claim 17, line 1: Delete “step A” and replace with –step B--.

Claim 38, line 10: Delete “a first cycle parameter”. Also, delete “comprising”. Finally, delete “and corresponding to” and replace with –or--.

Claim 38, line 11: Delete “a second cycle parameter” and replace with –determining--. Also, delete “comprising”.

Claim 38, line 12: Delete “corresponding to” and replace with –or--. Also, delete “in order”.

Claim 38, lines 20-21: Delete “delaying the initiation of step A until the temperature of the cooking chamber cavity is below a predetermined threshold temperature.” and replace with –determining the temperature of the cooking chamber; and,--.

Claim 38, immediately following lines 20-21: Insert –E. delaying the initiation of step B until the temperature of the cooking chamber as determined in step D is below a predetermined threshold temperature.--.

4. The following is an examiner’s statement of reasons for allowance:

Upon reconsideration in view of applicant’s arguments and in view of the entire file wrapper history, the examiner finds that the closest prior art of record (Clark et al.) does not disclose nor reasonably suggest a method of operating a refrigerated oven including the step of delaying production of cooled air in the refrigeration unit if the temperature of the cooking chamber is determined to be above a predetermined threshold temperature (i.e., delaying production of cooled air in the refrigeration unit until such time as the temperature of the cooking chamber falls below the predetermined threshold temperature).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (571) 272-4909.

While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene, can be reached at (571) 272-4930.

lvc

February 21, 2005


LJILJANA V. CIRIC
PRIMARY EXAMINER
ART UNIT 3753